

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

DESHANDA CRUSSELL, as
Next Friend and Custodial
Parent of J.C., a Minor

PLAINTIFF

VS.

CASE NO. 4:06-CV-4042

ELECTROLUX HOME
PRODUCTS, INC. a Foreign Corporation

DEFENDANT

ORDER

Before the Court is a Motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted, (Doc. 9) filed on behalf of Defendant Electrolux Home Products, Inc. (“Electrolux”). Electrolux argues that Plaintiff Deshanda Crussell’s claims—seeking recovery for negligent personal injury to her unborn child—are not recognized by the courts of Arkansas and should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6). Electrolux also filed a Motion for Summary Judgment based on the purported failure of Plaintiff’s cause of action. (Doc. 7-1). Plaintiff has responded to Electrolux’s motions. (Docs. 26, 28). Electrolux has replied to Plaintiff’s responses. (Docs. 34, 35). The Court held a hearing on the matter on April 5, 2007. (Doc. 44). For the reasons stated in the Memorandum Opinion of even date, Electrolux’s Motions to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted and for Summary Judgment should be and hereby are

DENIED.

IT IS SO ORDERED, this 10th day of August, 2007.

/s/ Harry F. Barnes

Hon. Harry F. Barnes
United States District Judge